

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RODOLFO MONTER HERNANDEZ, *individually and on
behalf of others similarly situated,*

Plaintiff,

Case: 19-cv-01257-ALC

-against-

99 THAI PLAYGROUND LLC (D/B/A THAIMEE
TABLE (F/K/A NGAM)), INSPIRED HOSPITALITY
MANAGEMENT LLC (D/B/A THAIMEE TABLE (F/K/A
NGAM)), NGAMPROM THAIMEE (AKA HONG),
MATT BRUCK, ANDREW PIRGOUSIS, CHAI
THAIMEE, and LUIGI DOE,

Defendants.

**AFFIRMATION OF
MICHAEL FAILLACE
IN SUPPORT OF
CERTIFICATES OF
DEFAULT**

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Michael Faillace, an attorney duly admitted to practice in New York and in this court,
declares on penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the attorneys for Plaintiff in this lawsuit for unpaid wages under the FLSA and New York Labor Law and regulations.
2. I submit this affirmation in support of the Plaintiff's application for certificates of default pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.1, against the Defendants 99 Thai Playground LLC (d/b/a Thaimée Table (f/k/a NGAM)), Inspired Hospitality Management LLC (d/b/a Thaimée Table (f/k/a NGAM)), Ngamprom Thaimée (aka Hong), Matt Bruck, Chai Thaimée, and Luigi Doe for failure to respond to the Complaint or otherwise appear in this action.
3. The Complaint in this action was filed on February 08, 2019. *See* Civil Docket Sheet Entry 1.
4. On April 25, 2019, a First Amended Complaint was filed by the Plaintiff. *See* Civil Docket Entry 22.

5. A summons and copy of the Amended Complaint was properly served on Defendant 99 Thai Playground LLC. (d/b/a Thaimee Table (f/k/a Ngam)) on May 13, 2019. *See* Civil Docket Sheet Entry 51.

6. A summons and copy of the Amended Complaint was properly served on Defendant Inspired Hospitality Management LLC (d/b/a Thaimee Table (f/k/a Ngam)) on May 13, 2019. *See* Civil Docket Sheet Entry 52.

7. A summons and copy of the Amended Complaint was properly served on Defendant Ngamprom Thaimee (aka Hong), on May 14, 2019. *See* Civil Docket Sheet Entry 38.

8. A summons and copy of the Amended Complaint was properly served on Defendant Matt Bruck, on May 14, 2019. *See* Civil Docket Sheet Entry 37.

9. A summons and copy of the Amended Complaint was properly served on Defendant Chai Thaimee, on May 08, 2019. *See* Civil Docket Sheet Entry 39.

10. A summons and copy of the Amended Complaint was properly served on Defendant Luigi Doe, on May 08, 2019. *See* Civil Docket Sheet Entry 40.

11. Upon information and belief, Defendant Corporations 99 Thai Playground LLC. (d/b/a Thaimee Table (f/k/a Ngam)), and Inspired Hospitality Management LLC (d/b/a Thaimee Table (f/k/a Ngam)) being corporations organized and existing under the laws of the State of New York, are not infants, nor in the military, nor incompetent persons.

12. Defendants Ngamprom Thaimee (aka Hong), Matt Bruck, Chai Thaimee, Luigi Doe, are not infants or incompetent persons. Defendants are not presently in the military service of the United States as appears from facts in this litigation.

13. Defendants 99 Thai Playground LLC. (d/b/a Thaimee Table (f/k/a Ngam)), Inspired Hospitality Management LLC (d/b/a Thaimee Table (f/k/a Ngam)) Ngamprom Thaimee (aka

Hong), Matt Bruck, Chai Thaimée, and Luigi Doe's time to respond to the Amended Complaint has long expired.

14. Defendants 99 Thai Playground LLC. (d/b/a Thaimée Table (f/k/a Ngam)), Inspired Hospitality Management LLC (d/b/a Thaimée Table (f/k/a Ngam)) Ngamprom Thaimée (aka Hong), Matt Bruck, Chai Thaimée, and Luigi Doe's time to appear represented by counsel has long expired.

15. Said Defendants have failed to appear, plead, or otherwise defend the action.

16. Wherefore, Plaintiffs respectfully request that the Court enter a default judgment against Defendants 99 Thai Playground LLC. (d/b/a Thaimée Table (f/k/a Ngam)), Inspired Hospitality Management LLC (d/b/a Thaimée Table (f/k/a Ngam)) Ngamprom Thaimée (aka Hong), Matt Bruck, Chai Thaimée, and Luigi Doe.

Dated: New York, New York
February 25, 2020

/s/ Michael Faillace
Michael Faillace, Esq.
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